

BOARD OF SHELBY COUNTY COMMISSIONERS

CHARTER FORM OF GOVERNMENT

1:30 P.M. COMMISSION CONVENES

INVOCATION Reverend Dwight R. Montgomery
Annesdale Cherokee Baptist Church

ROLL CALL

CONSENT AGENDA

Ordinances

**LOEFFEL
ADOPTED**

3. ORDINANCE – FIRST READING – Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Building Code of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 244 on August 27, 2001, and by the Council of the City of Memphis in Ordinance No. 4549 on September 4, 2001, so as to make certain changes as hereinafter set out and establish an effective date.

LOEFFEL
ADOPTED

4. **ORDINANCE – FIRST READING** - Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Electric Code of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance No. 245 on August 27, 2001, and by the Council of the City of Memphis in Ordinance No. 4892 on September 4, 2001, so as to make certain changes as hereinafter set out and providing an effective date.

LOEFFEL
ADOPTED

5. **ORDINANCE – FIRST READING** – Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Fuel Gas Code of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance No. 246 on August 27, 2001, and by the Council of the City of Memphis in Ordinance No. 4889 on September 4, 2001, so as to make certain changes as hereinafter set out and to establish the effective date.

LOEFFEL
ADOPTED

6. **ORDINANCE – FIRST READING** - Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Mechanical Code of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance No. 247 on August 27, 2001, and by the Council of the City of Memphis in Ordinance No. 4891 on September 4, 2001, so as to make certain changes as hereinafter set out and establish an effective date.

LOEFFEL
ADOPTED

7. **ORDINANCE – FIRST READING** - Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the Joint Plumbing Code of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance No. 248 on August 27, 2001, and by the Council of the City of Memphis in Ordinance No. 4890 on September 4, 2001, so as to make certain changes as hereinafter set out and providing an effective date.

Zoning and Subdivisions

LOEFFEL
ADOPTED
(A-C)

8. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

KIRK
ADOPTED

9. Resolution approving the sale of 9.8+/- acres of improved real property located at 3335 Old Getwell Road, formerly known as “Tall Trees” to R. Lemoyne Robinson for \$285,000.00.

KIRK ADOPTED	10. Resolution to approve amendment to lease agreement with Poplar Associates, Ltd., for office space located at 2400 Poplar Avenue for the Clinical Services Department and appropriating funds in the amount of \$41,937.50.
KIRK ADOPTED	11. Resolution to abandon a portion of a 5 foot wide dedicated utility easement located along the easterly line of Lot 18, Area “B”, Randle Woods P.D., and to authorize the mayor to execute a Quit Claim Deed releasing said portion of easement to Basman Basma and wife, Zahra Basma.
LILLARD ADOPTED	12. Resolution approving issuance of purchase order(s) to Pictometry International Corporation for a Digital Aerial Imaging and Information System in the amount of \$408,088.00.
THOMPSON ADOPTED	13. Resolution appropriating funds to purchase an Inmate Booking Photo and Armband System, by Shelby County Government from Dataworks Plus, LLC, in the amount of \$80,265.00 for the Sheriff’s Office.
THOMPSON ADOPTED	14. Resolution approving contract amendment by and between Evans Taylor Foster Childress Architects and Shelby County Government on behalf of the Juvenile Court of Memphis and Shelby County for architectural and engineering fees in the amount of \$15,020.00 and appropriating funds in the amount of \$15,020.00 from FY 2005 Operating Budget.
LOEFFEL ADOPTED	15. Resolution approving an agreement between the Memphis Area Transit Authority and Shelby County Government for the purpose of MATA providing for the cost of a transit “on-board” survey in conjunction with the Memphis Metropolitan Planning Organization enhanced regional travel demand model in the amount of One Hundred Three Thousand, Seven Hundred and Fifty Dollars (\$103,750.00).
LOEFFEL ADOPTED	16. Resolution amending Contract Number CA043971 between Shelby County Government and Kimley-Horn and Associates, Inc. relative to an On-Board Transit Survey in conjunction with the Metropolitan Planning Organization Enhanced Regional Travel Demand Model and amending the FY 2005 Operating Budget of the Memphis and Shelby County Division of Planning and Development Department of Regional Services.
LOEFFEL ADOPTED	17. Resolution authorizing Shelby County Government to accept \$285,818.00 from the U.S. Department of Housing and Urban Development (HUD) for substance abuse services for homeless patients and to amend the FY 2005 Operating Budget.

LOEFFEL
ADOPTED

18. Resolution to approve Amendment #3 to the Shelby County Community Services Agency Low Income Home Energy Assistance Program contract due to additional allocations from the Tennessee Department of Human Services, and to amend the FY 2005 Operating Budget from \$4,654,197.00 to \$4,906,225.00, an increase of \$252,028.00.

LOEFFEL
ADOPTED

19. Resolution to approve Amendment #3 to the Shelby County Community Services Agency Weatherization Assistance Program contract, and to correct Amendment #2 from the Tennessee Department of Human Services, and to amend the FY 2005 Operating Budget.

LOEFFEL
ADOPTED

20. Resolution to approve modification to lease agreement between the County of Shelby as Lessor, and Bolton Youth Athletic Association, as Lessee, for Bolton Park.

FORD
ADOPTED

21. Resolution approving On-The-Job Injury benefits for Sheriff's Deputy Anthony Terhune.

FORD
ADOPTED

22. Resolution adopting guidelines for the Commission's 2005 Summer Youth Employment Program.

FLINN
ADOPTED

23. Resolution approving the transfer of title of two parcels of Homestead Program property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985, authorizing the implementation of the Shelby County Homestead Program.

BOLTON
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
ADOPTED

24. Resolution appointing Commissioner Joyce Avery to serve as the commission representative on the sponsoring governments' board for the *Aging Commission of the Mid-South*.

FORD
ADOPTED

25. Resolution approving the County Mayor's nomination of Linda Rendtorff to the *Aging Commission of the Mid-South*.

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| FORD
ADOPTED | 26. Resolution approving the County Mayor's nomination of <u>Wesley Grace</u> for reappointment to the Memphis and Shelby County <i>Center City Revenue Finance Corporation</i> . |
| FORD
(DEFERRED
TO 05/09/05) | 27. Resolution approving the County Mayor's nomination of Dawn W. Kinard, E. Scott Fleming, Eugene Pearson "Gene" Gibson, Jr., and Marvin H. Palmer, Sr. for reappointment to the Memphis and Shelby County <i>Land Use Control Board</i> . |
| FORD
ADOPTED | 28. Resolution approving the County Mayor's nomination of Frank C. Ryburn for reappointment and of J. Tony Thompson III for appointment to the Memphis and Shelby County <i>Industrial Development Corporation</i> for the unexpired term of Maury Bush. |
| FORD
ADOPTED | 29. Resolution to appoint a Judicial Commissioner and set the term of appointment. |

Ordinances

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| MOSS
(DEFERRED
TO 05/09/05) | 30. <u>ORDINANCE – (ZTA 03-002 CC) THIRD READING – A</u>
Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance adopted by the Shelby County Board of Commissioners on October 6, 1980, and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, by amending Section 29 - Signs
Subsection III – Definitions;
Subsection IV – Classification of signs;
Subsection V – Signs prohibited;
Subsection VI – General standards;
Subsection VII – Permanent on-premise sign regulations;
And by creating a new Subsection XII – Violations, And a new Subsection XIII – Enforcement and Penalties; amending Section 30 – Nonconformities; Subsection E – Nonconforming on-premise and off-premise signs; providing for severability; providing for repeal of conflicting ordinance requirements; and providing an effective date. |
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Zoning and Subdivisions

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| LOEFFEL
ADOPTED | 31. <u>CASE NO. SAC 04-615 CO</u>
APPLICANT:Latting Road Partners, LLC

LOCATION: East of Berryhill Road, approximately 2,933 feet

REQUEST: Unimproved street closure and right-of-way vacation |
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Memphis and Shelby County Office of Planning and Development recommendation:

APPROVAL SUBJECT TO ONE
CONDITION

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL SUBJECT TO ONE
CONDITION

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

LOEFFEL
ADOPTED

32. CASE NO. Z 04-138 CC
APPLICANT: David Miller

LOCATION: Generally located 500 – 1,200 feet northeast of the eastern terminus of Huntington Oaks Drive

REQUEST: Parcel 1 – Single family residential (R-S10) District
Parcel 2 – Agricultural Floodplain (AG[FP]) Districts

Memphis and Shelby County Office of Planning and Development recommendation:

APPROVAL

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL

(Notice of public hearing published in the Daily News on Friday, April 1, 2005.)

Reports and/or Resolutions for Standing Committees

KIRK
ADOPTED
AS AMENDED

33. Resolution to approve revisions to the FY 2004-2005 Personnel and Operating Budget for the Shelby County Trustee to fund three temporary tax collectors for the remainder of the fiscal year.

WILLINGHAM
(REMOVED
TO CONSENT
AGENDA)
ADOPTED

34. Resolution directing Shelby County Administration to begin dispute resolution process with HOOPS on Conflict Dates/No Compete issues relative to the Pyramid and the Mid-South Coliseum.

LOEFFEL
ADOPTED

35. Resolution receiving and filing the Final Report of the Shelby Farms Advisory Committee's recommendations on the future utilization of Shelby Farms.

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| FORD
ADOPTED | 36. Resolution to amend Shelby County Retirement System Plan A to provide an oversight provision previously authorizing a certain participant whose application for insured disability benefits was denied as a result of an unintended gap in the disability contract with the Standard Insurance Company to increase the disability pension to 60 percent of such participant's Final Average Earnings from 30 percent of the same. |
| FORD
ADOPTED | 37. Resolution approving July 1, 2005, automatic renewal date of the County's CIGNA Health Care POS plan with new premium rates and design changes. |
| FORD
ADOPTED | 38. Resolution approving new premium rates and administrative design changes for the County's United Health Care PPO plan for employees. These changes will be effective upon the United Health Care PPO plan's annual renewal date of July 1, 2005. |
| FORD
ADOPTED | 39. Resolution approving benefit design changes for Express Scripts prescription drug plans applicable to the CIGNA POS and United Health Care Plans. These changes are effective July 1, 2005. |
| BOLTON
DROPPED | 40. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled "An act to authorize Shelby County to levy and collect a Privilege Tax on development in order to provide that development contribute its fair share of the cost of providing and maintaining public facilities and services made necessary by such development." |
| BOLTON
ADOPTED | 41. Resolution endorsing the appointment of two members from West Tennessee to the Tennessee Valley Authority Board. |
| BOLTON
ADOPTED | 42. Resolution by the Board of County Commissioners of Shelby County, Tennessee, expressing support for Senate Bill Number 1136 and House Number Bill 0993, relative to the Tennessee Housing Development Agency. |

Announcements/Statements

Adjournment

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| KIRK
ADOPTED | 43. Resolution of Adjournment to May 9, 2005, at 1:30 p.m. |
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